

Appl. No. 09/870,965
Amdt. dated October 6, 2005
Reply to Office Action of July 7, 2005

REMARKS/ARGUMENTS

Applicants have received the Office Action dated July 7, 2005, in which the Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as allegedly unpatentable over *Strothmann* (U.S. Pat. No. 5,815,144) in view of *Azevedo et al.* (U.S. Pat. No. 6,496,890, hereinafter "*Azevedo*"). With this Response, Applicants have neither amended nor canceled claims, and therefore claims 1-24 remain pending.

Applicants respectfully traverse the § 103 rejections and submit that the Office Action fails to establish a *prima facie* case of obviousness. A key requirement in satisfying the initial burden of a *prima facie* case of obviousness is that the cited art teach or suggest all of the claim elements. MPEP § 2142. Applicants respectfully submit that neither *Strothman* nor *Azevedo* teach or suggest all of the claim elements. For example, claim 1 requires "an operating system with at least two protection levels," and this simply is not taught or suggested by the cited art.¹ For contextual purposes only, as opposed to distinguishing over any cited art, Applicants draw attention to ¶ [0028] of the instant application, which includes one of several instances where the "at least two protection levels" are referenced.

Furthermore, since claims 14 and 21 similarly require at least two protective layers within the operating system, the *prima facie* case of obviousness also is not met with regard to claims 14 and 21. In addition, claim 7 requires "a first input/output control call (IOCTL) signal interface for communicating control signals between the watchdog driver and each of said user applications," which is also not taught or suggested by the cited art.²

For at least these reasons, Applicants respectfully submit that the requisite initial burden of a *prima facie* case of obviousness is not met with respect to the pending claims.

¹ In fact, the Office Action does not even include a citation of the alleged teaching or suggestion of this claim element within *Strothman* or *Azevedo*.

² Again, the Office Action does not include a citation with regard to the alleged teaching or suggestion of this claim element.

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In the course of the foregoing discussions, Applicants may have at times referred to claim elements in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other elements can be ignored or dismissed. The claims must be viewed as a whole, and each element of the claims must be considered when determining the patentability of the claims.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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